The jury went out at a quarter to eleven, and at

half-past eleven re-entered the court room. The foreman stated that one of the jurors desired to

look at the pistol to see whether it fired off easily

Assistant District Attorney Russell said he had

no objection to the jury inspecting it.
Judge Beach, however, objected to the jury ex-

amining the pistol, inasmuch as it had been

handled a good deal since the occurrence, and its

present condition was no evidence of how it was

The Recorder said that if the counsel objected he

would not permit the pistor to be shown to the

jury. They were instructed to retire for further

deliberation. At a quarter past twelve they inti-

mated to the officer in charge that they had agreed

upon a verdict, and they were brought into Court

A messenger was immediately despatched for the

Recorder, who was not in the building, and in the

Recorder, who was not in the building, and in the meantime a deathlike stillness pervaded the court room until the arrival of His Honor. Those who professed to be good physiognomists read in the countenances of the jury a verdict of gull'y of murder, while some of the friends of the accused indulged the belief that Sharkey would only be convicted of one of the lower degrees of manslaughter. The Recorder arrived at hall-past twelve o'clock, and the Clerk proceeded to call the jury. In response to the usual question as to whether they had agreed upon a verdict the foreman said:—

"GULLY OF MURDER in the first degree, with a recommendation to to mercy." The jury was polled at the request of counsel with the same result.

Mr. Beach then made an eloquent appeal to the Court to request the jury to state upon what ground the recommendation was made, in order that the accused might have the full benefit of it. His Honor said that it would be establishing a bad precedent and refused to accede to the counsel's request.

Counsel then asked that sentence might be post-

counsel then asked that sentence might be postponed till Monday in order to afford him and his
associate time to make a motion for a new trial
upon the ground of misdirection to the jury.

The Recorder granted this motion and directed
the prisoner to be remanded till Monday morning.

THE PRISONER.

the prisoner to be remanded till Monday morning.

THE PRISONER.

Sharkey did not manifest much more feeling upon the solemn decision of the jury than he exhibited during the trial. Sheriff Brennan and his assistant took him in charge, with whom he conversed in unrestrained terms after the court room was cleared. An immense throng gathered around the court room to witness his departure from it to the Tombs, where, in all probability, he will explate his offence upon the gallows. There were only two or three trifling exceptions taken while the trial was progressing, none of which will invalidate the verdicts.

THE COURTS.

Adam Danner, who is charged with having

caused a newsboy to personate one Karl Danner, a minor, for the purpose of enabling him, as guardian

of Karl, to draw a pension to which the latter, as

orphan of a soldier, was entitled, waived an ex-

amination yesterday before Commissioner Shields.

The accused was held to await the action of the

Yesterday Theodore Stork, who had enlisted as a

landsman in the receiving ship Vermont, was dis-

charged on habeas corpus, in the United States District Court, by Judge Blatchford, on the ground

of minority. The parents of Stork agree to pay

the expenses incurred by the Navy Department on

UNITED STATES COMMISSIONERS' COURT.

Deserters from the Brazilian War Ves-

sel Nicktheroy.

Complaint was made by two officers of the

Brazilian corvette Nicktheroy to United States Commissioner Osborn that seventeen sailors of

that vessel had deserted. The Commissioner, after

examining the treaty between this country and the Brazillan Empire, informed the officers that it

was their duty, in the first instance, to state the

circumstances of the case to the Brazilian Consul,

circumstances of the case to the Brazilian Consul, who would make out a requisition empowering the Commissioner to act in the matter. The officers accordingly went before the Consul General, Mr. Louis H. F. D'Aguiar, 13 Broadway, who, upon their statement, forwarded a requisition to the Commissioner asking the arrest of the deserters. The Commissioner at once Issued his warrant for that purpose, and yesterday morning Sabino Francisco de Piedende, Antonio Joaquim do Nascimento and fifteen others of the crew of the Nicktheroy, who had been taken into custody on the evening before by Deputies Croly and Purvis, were marched down to the

Croly and Purvis, were marched down to the United States Courts. It appeared that the men had got twenty four hours' leave of absence, and after the expiration of that time they did not return. They alleged, in their defence, that they had been badly treated on board ship, and that the ship was dirty and full of vermin. The Commissioner told them that if they had any complaint to make it was their duty to have stated it to the Consul, and this they had not done.

The prisoners were then turned over to the custody of the Marshal, who will place them on board the corvette when she is about to sail. It is reported that one of the midshipmen, who had got leave of absence, has been missing for several days, and fears are entertained respecting him.

BROOKLYN COURTS.

SUPREME COURT-SPECIAL TERM

Alleged Contempt. Before Judge Gilbert. Charles S. Schleier and Thomas Wellwood have

for some time past been engaged in litigation con-

cerning real estate speculations at Breslau, L. I. Yesterday they were before Judge Gilbert on the occasion of a motion to have Schiefer punished for contempt in not obeying an injunction restraining him from selling any more lots at Breslau. Schiefer claimed that the injunction had been obtained by faise representations. Judge Gilbert reserved his decision.

CITY COURT-SPECIAL TERM.

Insurance Companies' Litigation.

Before Judge Neilson. The Continental Insurance Company are making

preparations to erect a large building at the cor-ner of Court and Montague streets. The land on which they intend to build was sold by a Mr. How-

which they intend to build was sold by a Mr. How-land to a Dr. Smith, some twenty-five years ago, with the restriction that a space six feet wide on the southerly side should be left open for light and air, but that upon the payment of \$1,500 damages it might be built upon, the money to be paid to the owners of the property adjoining. The Phenix Insurance Company own the adjoining property and object to have the space built upon although the Continental Company offers to pay the \$1,500. The question is whether this space is of the same value now as it was considered to be worth twenty-flev years ago. The Phenix Company have obtained a temporary injunction, and the case will come up on the 30th inst.

Last Week's Rusiness. Before Surrogate Veeder.

Wills admitted to probate :- Anna C. Bartling,

Will rejected :- William Madden, also of the city

George F. Butler, Mary S. Delamater and James

of Brooklyn.
In the will of Mary S. Delamater appear the fol-

owing legacies:-\$3,000 to the Protestant Orphan

Asylum of the City of Brooklyn; \$1,000 to the In-

Asyum of the City of Brooklyn; \$1,000 to the InMrs. Jesse C. Smith is First Directress; \$1,000 to
the Society for the Aid of Friendless Women and
Children, on Concord street.

Letters of administration were granted on the
estates of the following named deceased persons,
viz.:-Louisa M. Oates, of Chattanooga, Tenn.;
Robert McCloue, Francis A. Montague, Samuel
Howes, Harriet R. Belton, Washburn H. Higham,
William Wehrle, William P. Dexter, John Jeweli,
John Hawkes and Albert G. Bunker, all of the city
of Brooklyn.

John Hawkes and Albert G. Bunker, an of the city of Brooklyn.

Letters of guardinship of the person and estate of Mary Ames and Anne Ames were granted to Michael Ames; of Samuel Smith and Gustavos Smith to Catharine Smith; of Mary Emig and Annie Emig to Michael Emig, all of the city of Brooklyn.

CONTAGIOUS DISEASES.

The following is a comparative statement of con

tagious diseases for the two weeks ending June

Waterson, all of the city of Brooklyn.

Grand Jury.

account of the entistment.

when it was exploded.

# THE WARD'S ISLAND QUESTION.

Lave Christians the Right to Worship According to Their Own Forms of Faith?

## THE CATHOLIC EMIGRANTS' CHAPEL.

Beasons Why It Should Be Maintained-It Was Contemplated by the Laws and Sanctioned by Custom.

A Legal View of the Whole Matter.

#### Correspondence Between Richard G'Gorman and Ex-Judge Porter.

The following highly interesting correspondence concerning the rights of various creeds to their places and forms of worship at the Emigrant Depot on Ward's Island is self explanatory, and will oe found thoroughly analytical and of deep interest to all who feel concerned in the subject :-

set to all who leel concerned in the subject:—

To the Editor of the Herald:—

As the subject of the new Catholic chapel on Ward's Island has received much attention recently in the columns of your paper, I wish to correct some misapprehensions which seem to exist on the subject.

Enclosed is a correspondence between the Hon. Richard O'Gorman, President of the late Board of Emigrant Commissioners, and the Hon. John K. Porter, giving the legal aspects of the case, together with an extract from the last annual report of the Board, showing that all the Commissioners, without distinction of creed or party, acquiesced in the establishment and continuance of separate Catholic and Protestant chapels. In so deing they only perpetuated the precedent which for twenty years has been followed by every Board of Commissioners, and the wisdom and propriety of which have been guaranteed by the concurrence of such men as Gullan C. Verplanck, Robert B. Minturn, Cyrus Curtiss, Edwin D. Morgan, John A. Kennedy, Frederick S. Winston, A. A. Low and Wilson G. Hunt.

Permit me to say that not to give the Catholic inmates of Ward's Island a separate place of worship is practically to deny them any, since their creed forbids them to commune in any religious matter with those of another faith. When the room formerly provided for a Catholic chapel became unsaie and msofficient, and no other room cound be spared for the purpose in the bandings of the establishment, a resolution was offered to erect a Catholic chapel, and upon those lacts the resolution was passed.

a Cathelic chapel, and upon those facts the resolu

tion was passed.

In a smallar emergency I would, advocate the building of a Protestant chapel or a synagogue, because I believe in the fullest sort of religious toleration, though not of the kine which seeks to vindicate itself by violating the convictions of its

to the old Commission was just this. The Protestant Inmates or the island were already provided with a suitable and adequate chapel. The Catholics had either to go without one or have one built for them. Those Commissioners who thought with me believed it to be their auty to build a Catholic chapel, as in the reverse case they would, with equal alacrity, have built a Protestant chapel. It is found not be forgotten either, that these emigrants, Catholic or Protestant, have been used to separate houses of religious worship.

Protestant, have been used to separate nouses of religious worship.

Except where the civil law interferes with the free exercise of religion the Catnolic especially dedicated and exclusively devoted to his own fath and open to no other, and finding so universal a rule apparently disregarded in this country, would lead him to suppose religion. In America a looser creed and tend to render him inciderent to his faith. The same is measurably true as to the Protestant migrant also; and I cannot consider indifferentism in any form a result to be desired by good citizens, whatever their religion.

As to the legality of the Commissioners' action the correspondence speaks for itself:—

Fe Hon. John K. Portes.—

o Hon. John K. Porter:—
o Hon. John K. Porter:—
MY DEAR Sig-Will you kindly give me your opinio
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MY DEAR Sig-Will you kindly give me your opinio
MY DEAR Sig-Will you kindly gi My Dean Sig—Will you kindly give he has troubled and advice on the following subject, which has troubled any mind a good deal of late:—A question has been raised by the Commissioners of Emigration whether they have any power or authority to use the fund entrusted to them in the erection of a church for the use of the Roman Catholic immates of their institutions at Ward's island. For the consideration of the subject the following state-

For the consideration of the subject the following statement is necessary:

The Commission was created by a law of the State of New York, passed 5th May, 1847, and though some of the details of that act have been altered by subsequent amendments, it remains in principle the same. Claws 1847, chap. 195.) For each allen passenser landed in this port the owner or consignee of the ship in which he arives pays to the Commission \$4.00, which is called "head money." This constitutes the fund which the Commission administers, and no contribution has ever been made thereto from any State or county fund.

The duty of the Commissioners is to provide for the "maintenance and support of emigrants," when they are meed of support, until the expiration of five years after their arrival. (Chap. 185, Laws 1847, sec. 4.) For these purposes

purposes

Large and extensive powers

are conferred on the Commission. They may employ
such officers and agents as they deem necessary, buy real
estate and erect any building they may deem necessary,
purchase or lease docks, examine witnesses under oath
as to frants, &c., on emigrants, compel support of bataris, take charge of certain effects of deceased emgrants, &c., designate places for sale of railroad tickets

are the control of tards, take charge of certain effects of deceased omigrants, &c.; deagnate places for sale of railroad tickers; to emigrants, &c.; bind out emigrant children to service, &c. In accordance with these powers they have purchased 129 acres of land on Ward's Island and erected thereon valuable buildings. Amounted the control of the carbon the control of the purpose of public worship and the control of the purpose of public worship one for the Catholic, the other for the Protestant number of the island, and these apartments have been each suitable stated up and turnished for public worship. As early as 1867 a legal | rovision was made for the appointment of Catholic and Protestant ministers, and for the payment to them of suitable salaries. (Chap. 316, Laws 1857). A PROTESTAN MINISTER AND A CATHOLIC PRIEST are now, and have been for twenty years, residing on Ward's Island, and have regularly occlerated public worship in the said rooms appropriated for that purpose. The room used for Protestant worship is suitable, convenient and sufficient, being on the second floor of the building and easy of access.

The room applied to Catholic worship, however, is on the fourth story of a large buil ling used partly tor hospital and partly for school purposes, and was formed some years ago by adding a Mansard roof to that building. The access to it is difficult and dangerous, being by a marrow and tortunes wooden staircase, and the ascent exceedingly inconvenient to aged and sick persons. The average number who attend services therein on Sunday is about four hundred, and that number is increasing.

Recently an examination of the building was had by a competent architect, and he as plable to transfer down. Impressed by this danger, the committee of the Board baving special charge of the institution on Ward's Island received that a building should be erected suitable for Roman Catholic worship, having regard to the number of persons needing the use of it, and that the room hereforore occupied for Roman Catholic worship, having rega

heretofore occupied for Roman Catholic worship, and which was dangerous and unsuitable for that purpose, should be used as a zehoolroom, for which use it was adequate.

In pursuance of this decision,
and fitted up as a Roman Catholic church, and the room formerly used for that purpose has been recently turned over to the use of the school.

In the annual reports made from time to time by the Commissioners of Emigration to the Legislature of the State in obedience to law, and which must state in detail the sum of each appropriation and the purposes for which the same have been made (chap. 24, Law of 183, Sec. 3), the Legislature has been informed that suitable apartments for public worship were provided according to the Catholic and Protestantorms.

Ward's Island, which forms part of the annual report of the Commissioners of Emigration to the Legislature of the year 183, is to be found the following passage (p. 319):—

"The moral and religious instruction of the immates has been confided by you. Board to two chaplains—Rev. Thomse Cook (Protestant) and Rev. A. Manahan (Catholic); services have been held on each sonday in the two chapes, and in the Protestant chapel in both the English and German languages. The attendance has been large and constant. The chaplains have also visited the various wards and other apartments of the institution on Sanday and other days of the week, distributing books, and dying, by their advice and ministrations. The Protestant chapel in both the English and German languages. The attendance has been large and constant. The chaplains have also visited the various wards and other apartments of the institution on Sanday and other days of the week, distributing books, and dying, by their advice and ministrations. The Protestant chapel in the chape and instruction of the matron (Mrs. Jances) and Mr. Malignon, who, though not now contact and Mr. Malignon, who, though not now contact and the chape and instruction of the matron (Mrs. Frown) and others. Several of the nurses have also rendered v

tion of Christians, and upon that question I want your advice.

If the action of the present Commission in expending a part of the funds in their charge on the erection of a church necessary for the separate worship of one congregation be ultra rices, so also has been the action of the Board for many years past in expending the fund for alterations and additions to the apartments which they also provided for separate worship.

The principle in each case is the same. Will you do me the favor to give the matter your consideration? I have the bonor to be President of the present Board, and am desirous that our action in the matter should be in all respects justifiable and proper. I remain, my dear sir, yours faithfully.

REW YORK, January 18, 1873.

New Yons, January 18, 1873.

JUDGE FORTRY'S REPLY.

Hon. RICHARD O'GORBAN, President of the Board of Commissioners of Emigration:—

My Dean Size—I have examined the series of statutes defining the powers and duties of the Board of Commissioners, and have given to the questions assignment your letter the consideration due to their interest and importance.

letter the consideration due to the control tance.

In my judgment it is entirely clear that the Commissioners of Emigration acted within the limits of their nower and in the discharge of their plain official duty in providing and maintaining chapels for the use of the migrants. The fund administered by the Board is derived from the head money exacted under State authority from the emigrants generally for the maintenance and support of such of their number as prove unable to

provide for themselves by reason of orphanage, age, steaness, blindness or other dissibility. The law charges the Commissioners with the trust of applying the lund in the appropriate modes to the just and beneficent purposes for which it was designed.

In a consideration of the function of the condition of the

privileges of religious worship

No one can for a moment suppose that the State of
New York would tolerate the exclusion from such privileges of a class consisting mainly of unprotected children
and of persons enfectiled by sickness and age. It would
be difficult to present a stronger claim to the religious
training so needful to the young, or beneficent ministrations so weatome to the infirm, the distressed and the
destitute. The emigrants, from whom the fund is exacted, are chiefly from Europe, and they commonly adhere to the form of religious faith in which they commonly adhere to the form of religious faith in which they were educated at home.

As a large proportion of them are from Catholic countries the Commissioners, at an early period,

for the a very Propersity recovery two customs of which
the services would also the the integrals, cance of which
the services would also not the entire the services would also
and in the other by a Catholic priest. The action of the
Board was annually reported to the State Legislature,
and the acquiescence and approval of that body through
a period of over twenty years turnshes the highest evidence of the propriety of the provision thus maile for
both classes of emigrants. The obligation imposed upon
the Commissioners in the execution of their trust is one
of duty no less than of humanity; and as Catholic and
Protestant aliens alike are required to contribute to the
fund, the poor of either raith are entitled to share in the
benefits it was designed to secure.

There can be no question as to the authority of the
Commissioners to

ommissioners to

and the circumstances adverted to in your letter made
it the plain titry of the Board, when one or them became
issufficion and unsafe, to provide a continuous continuous
interproach if the large body of emigrants now domi
just reproach if the large body of emigrants now domi
cited on the Issand, or any counterable portion of them,
were now to be doprived of the religious privileges which
they have hitherto emjoyed, with the concurrence of all
the public authorities and with the general approval of
the community. Very sincerely yours.
NEW YORK, January 25, 1873. JOHN K. PORTER.

Three weeks after this correspondence, with the whole subject thus fully before them, the late Bears in February, 1873, reported to the Legislature on this matter in the following specific paragraphs (Annual Report for 1872, pp. 10 and 11): graphs (Annual Report for 1872, pp. 10 and 11):—

The chapel referred to in the last annual report was completed last recember and is now in use. The erection of this bull-ing is due to the fact that the room formerly occupied for the use of a Catholic chapel was found to be unsate and ill adapted for the purpose, besides be ing inaccessible to aged or infirm persons. This room had been obtained before the present Commissioners came into office, by adding a Mansard root to the top of the three story frame structure creeted in 1849, and known as the Nursery Building. The Commissioners, being apprehensive of some calamity resulting either from the giving way of the floor or stairway or from fire have substituted another and more commodious, as well as sater, building for this purpose. This new building, while being a substantial structure, is built in the planest style and most economical manner.

The Protestant chapel, which is on the second floor of one of the two story brick buildings, is also fitted up for that purpose, and has heretofore furnished ample accommedation for persons of that religious belief.

This report was approved, signed and sworn to the the content of the propose of the party of the propose of the party of the propose of the party of the

that purpose, and has beretofore turni-hed ample accommedation for persons of that religious belief.

This report was approved, signed and sworn to by the following named gentiemen, as Commissioners of Emigration, constituting the full Board, with the exception of Mr. Henry L. Hoguet, then assent in Europe:—Richard O'Gorman, E. B. Hart, James B. Nicaolson, Willy Wallach, Alexander Frear, Andreas Willmann, George J. Forrest, Samuel S. Foweil, Mayor of Brooklyn; James Lynch, President of the 11th Emigrant Society of the city of New York, and Sigismund Kaufman, President of the German Society of the city of New York.

THE POLICY THUS SANCTIONED has been the policy of the Commission for twenty years. That its own records show. The very paragraph above cited refers to the chapel, as a matter which had been considered at a previous time, and by this report the policy of separate chapels received anew the deliberate and unanimous endorsement of the whole Board and of every member of that Board who remains a member of the present one. From this policy it is now proposed to depart.

If, with all these facts before it, the Commission

present one. From this policy it is now proposed to depart.

If, with all these facts before it, the Commission choose to take this new departure, of course it has the power; but what I wish to make clear is that it will be perpetuating a grave innovation on an established and successful policy, approved by the best men of New York and cemented by the experience of its whole corporate lifetime. I am, very truly, yours.

President of the irish Emigrant Society and Commissioner of Emigration ex officio.

New York, June 21, 1873.

MR. RICHARD PROCTOR, author of "Other Worlds than Ours" and other popular scientific books, and Secretary of the London Astronomical Society. will lecture in the United States from October to

LITERARY CHIT-CHAT.

A NEW STORY by Anthony Trollope will be commenced in the London Graphic on July 5, entitled,

In lrary there are now published 1,120 journals and periodicals, of which 1,098 appear in Italian, fourteen in French, six in English and two in Ger-

THE DISCOVERIES OF DR. LEITNER IN Central Asia are proving still more important than at first announced. In a list of Leitner's forthcoming publications eleven languages of a heretofore terra incognita are accounted for, and maps and photographs of the countries and men whose histories and language Dr. Leitner has introduced to the world of letters are given. The countries between Kashmir and Badakshan are treated of in his last publication, which gives us a translation of the songs and legends of the races of Dardistan.

HUGO YON MOHL, a learned German, who wrote more than ninety papers on vegetable anatomy and physiology, died at the University of Tubingen on the 1st of April.

MR. MORIARTY, barrister, is preparing for publication an account of a Spanish claimant's cause that has been progressing in Spain concurrently has been said of the dilatoriness and cost of the proceedings in the English claimant's case it may prove interesting to see how the Spanish law deals with a somewhat similar affair.

A HISTORY OF DRAMATIC MUSIC in France, by M. Choquet, has been published by Didot, of Paris. MR. PIKE'S forthcoming "History of Crime in England" will show that theft, forgery, poisoning and violence have steadily diminished with the

progress of civilization. This is directly contrary to a widely disseminated belief. THE Athenoum says that the French "Mémoires Pour Servir" imply, estensibly, "Memoirs at the service of historians;" but that it not unfrequently means "Memoirs to serve the interests of the writers." They are in either case the most enter-

taining books in the world.

THE ACADEMY of St. Petersburg has elected Mr. H. W. Longfellow and Mr. W. C. Bryant as honor-

ary members.

An AMUSING book of old court gossip is "Recollections of a Page at 'the Court of Louis XVI.," by Felix, Count de France, translated by Miss Yonge. The last Louis before the deluge had 158 pages of the chamber and of the stable, varying from twelve to eighteen years of age. These young scapegraces enjoyed many privileges, among which was an inside view into the royal family's way of living, which is told sans façon in this vol

illustrated literature was the "H. B." sketches, which were caricatures of the persons and politics of the Georges and the Regency. The entire remainder of these rather broad caricatures were sold at auction last month and purchased by the Rout-

ledges, booksellers.
THE RECENT SALE Of the Perkin's Library at han worth Park, near London, produced the large sum of £26,000 for only about one thousand volumes, or considerably over \$100 per volume average. There were half a dozen books of extreme rarity. A POSTHUMOUS VOLUME of poetry, by Lamartine, has just appeared. It contains some of his early pieces, which he, in all probability, thought un-

worthy to see the light. THE LITERARY and scientific life of the late Dr. Whewell is to be written by Mr. Todhunter.

# NEW PUBLICATIONS RECEIVED.

From J. B. Lippincott & Co., Philadelphia:by S. Austin Allibone; "Wan Bun, the Early Day in

the Northwest," by Mrs. John H. Kingle.

From Harper & Brothers:—"Anecdotes of Public Men," by John W. Forney; "He Cometh Not, She Said." a novel, by Annie Thomas.

From D. Appleton & Co.:—"The Irish Race in the Past and Present," by the Rev. Aug. J. Thébaud-

From James R. Osgood & Co., Boston :- "Hap-Hazard," by Kate Field. From G. A. Carleton & Co.:-"Cachit; or, the Secret Sorrow," a novel, by Mrs. M. J. R. Hamil-

From William B. Evans & Co., Philadelphia: Whiskey Drips, a Series of Interesting Sketches, Illustrating the Operations of the Whiskey Thieves in Their Evasions of the Law and Its Penalties," by Detective James J. Brooks, of the United States

From Russell Brothers:-"The Home of Cooper and the Haunts of Leatherstocking," by Barry

# THE SHARKEY-DUNN HOMICIDE.

Conclusion of the Trial of Wm. J. Sharkey for Shooting Robert Dunn.

Interesting Charge of Recorder Hackett.

Sharkey Convicted of Murder in the First Degree and Recommended to Merey.

### SENTENCE ON MONDAY.

The trial of William J. Sharkey, who was charged with shooting Robert Dunn, at "The Place," a liquor saloon in Hudson street, on the 1st of last September, which was commenced on Mon lay, in the General Sessions, was brought to a close yesterday. At an early hour in the morning the court room was thronged by the friends of the respective parties, who watched with intense the termination of a case which has created a great deal of feeling among the pothouse politicians and gamblers of the city. The summing up speeches having been made last evening, all that remained was for His Honor Recorder Hackett to deliver his charge upon the law and the evidence. His Honor first read a number of legal propositions submitted by the counsel, most of which he charged as requested. He then delivered

which he charged as requested. He then delivered the following interesting charge:—

GENTLEMEN—This case now about to be submitted to you, aside from its importance to the community and the accused and involving as it does the consideration of an alleged grave crime, presents to my mind but few considerations, and perhaps, a single one for your deliberation, which being resolved by you, will dispose of the charge. The prisoner stands charged with the commission of a homicate, of murder in the first degree, in having, as is alleged, taken the life of Robert Dunn, on the 1st day of September, 1872, at the city of New York, by shooting him with a pistol loaded with powder and tall, and with the premeditated design to effect his death, and o which shooting the said Dunn died. That the deceased came to his death by the physical act charged in the indictment is not controverted, but is admitted by the counsel for the accused. It is the legal quality of that physical act your verdict will and should determine. First, the prosecution claim that such act possesses the quality of murder in the highest degree. The prisoner denses that his act was murder in either degree or criminal in any respect, but claims that his act was unintentional—was accidental. If you find that Robert Dunn, named in the indictment, be dead, and died in consequence of a pistol shot fired by the hand of the prisoner, then your inquiries will be, is he amenable to legal punishment for that act, and if amenable, what is the legal character of his act of killing. If you do not determine to acquit him, then what crime can you, by your verdict, convict him of? The Court is to instruct you relative to the offence of which you can convict of, but you alone judge of what he ought to be convicted alter arriving at the conclusion that he should not be acquitted. Before considering the quality of the act of the the following interesting charge:of which you can convict you relative to the offence of which you can convict of, but you alone judge of what he ought to be convicted after arriving at the conclusion that he should not be acquitted. Before considering the quality of the act of the prisoner in causing Duna's death you should consider the question of reasonable and rational doubt. If you entertain any such doubt as to the killing you should acquit. If you have no such doubt as to the killing, and no doubt as to the killing being criminal, then you may exercise any such doubt upon any one of the degrees of homicide. Every fact needful for the conclusion of guilt sought to be established by the prosecution must have been proved by competent evidence beyond a reasonable doubt; all the facts must be consistent with each other and with the main facts sought to be proved, and the circumstances taken together must be of a conclusive nature, and leading on the whole to a satisfactory conclusion, and producing in effect a reasonable and moral certainty of the guilt of the prisoner in any degree. I begin by giving you the legal view most favorable to the prisoner. I cannot, in view even of the facts admitted or proved by the defence, perceive how you can wholly acquit the prisoner, yet this opinion should not have any weight with you, and you have the physical right to acquit. The fact these the prisoner carried a pistol was not an illegal act. Pistol carrying is a muster of taste—a precaution of which each man must judge and be ready to take the consequences, of, if his carrying aids the development of any illegal act. But if you believe he pointed a loaded pistol at the deceased, or flourished it in immediate proximity to the deceased in the slightest degree, and the pistol was discharged and killed Dunn, then you may determine whether or not such killing, considered in the light of every circumstance in the case, was not manisanghter in the fourth degree under the following statute, which I now read:—

The involuntary killing of another by any weapon or by means neither cruel nor unusual in the heat of passion in any cases other than such as are herein declared to be excusable homicide shall be deemed an another than the control of the control by means neither cruel nor innusual in the heat of pas-sion in any cases other than such as are herein declared to be excusable homicide shall be deemed manslaughter in the fourth degree.

Every other killing of a human being by the act, pro-curement or culpable negligence of another where such killing is not justifiable or excusable, or is not declared in this chapter under or in the title manslaughter of some other degree, shall be deemed manslaughter in the fourth degree.

or gestlemen, you may, considering the prisoner's act by the light of every circumstance in this case, determine whether the whole evidence does not adapt itself to the following statute:— The killing of another in the heat of passion, without a design to effect death, by a dancerous weapon, in any case except such wherein the killing of another is herein declared to be justifiable or excusable, shall be deemed manislaughter in the third degree.

It is agreed, gentlemen, between respective counsel, that you need not consider either the crimes of murder in the second degree as defined by our statutes, as the facts and circumstances of this case do not warrant their application. The prosecution claim that the zilling of the deceased by the prisoner was murder in the first degree. It is thus defined, "When perpetrated from a premeditated design to effect the death of the person killed." In considering this statute the main question is, "Did the prisoner kil decessed with a premeditated design to killing or immediately preceding the interest of the interest on the instant of killing or immediately preceding the act causing the death is within the meaning of this word "premeditation." Some premeditation lasts with some persons may be as quick as though acts. There need only be such premediation in the mind as is necessary to form the design. The premeditated design, however, must exist, and of this you be such premediated seign, however, must exist, and of the young hours, days, months, and with some persons may be as quick as though acts. There need only be such premediated seign, that the prisoner and deceased, prior to the killing, were and had been for a long time previous thereto intimate friends; that their friendly relations had not been disturbed until the night of the shooting; that there was no motive whatever to induce the prisoner to seek the opportunities to take the life of the accused; that just as the prisoner was propressing his old affection for the deceased, and with his pistol cocked, held in his right had, and moving it up and down from his outstretched and bent left arm, but pointed at the deceased, it went of accidentally and killed him; but that the prisoner to take the life of the deceased, it went of accidentally and killed him; but that the prisoner to take the life of the deceased, the his point prisoner in the prisoner was present with several others, some one said to the prisoner immediately applied the foliated heads of the pri

Voluntary intoxication can furnish no excuse or immu-nity for crime, and so long as the offender is capable of conceiving a design he will be presumed, in the absence

of contrary proofs, to have intended the natural consquences of his own acts. THE JERSEY CELESTIALS.

Captain Hervey Heart-Sick of His "Heathen Chinese."

His "Sad Experience, Mentally, Morally and Financially."

John Chinaman a Failure as a Launaryman-The Sins of the Belleville Batch of Ah Sins-Total Unreliability, Utter Depravity and Lack of Conscience-Opium Smoking and Immorality-Beaver Falls Emulating Belleville - Visit to the Latter Place-Captain Hervey's Trip to

the Faderland and Its Object.

One Summer's night, three years ago, between dusk and daws, a large gang of Chinamen, from seventy-five to a hundred in number, were secretly conducted from the railroad cars by an unfrequented way to the Hudson county bank of the Passale River, opposite Belleville, N. J., and quietly quartered in the extensive laundry there of Captain Hervey. Theretofore the Captain had been depending chiefly for help on Irish girls, mostly fresh arrivals. These, it appears, made excellent laborers, but some of them would get married after awbile, and, of course, shake the dust of the laundry from their feet, while others insisted on getting better wages than he lelt disposed to give and, therefore, caused dissatisfaction. A strike of some sort among the girls started their employer on the idea of searching out a substitute that would give greater satisfaction. John Chinaman was the substitute hit upon. At that time the subject of a general introduction of Chinese laborers into this country was being pretty thoroughly agitated. It was thought that the Celestial sons of toll could be held better in hand and at a much lower rate of wages than the stalwart sons of Ireland, Germany, England Scotland, Italy and other European countries. Hence a very bitter feeling was manifested among the laboring classes towards not only the Chinamen but those prominent in agitating the subject and engaged in the practical solution of the Chinese labor question. And hence Captain Hervey found it prudent, in September, 1870, to introduce his first batch of Celestials, fresh from San Fran cisco, under cover of night, when the Celtic and other sturdy European laborers were quietly enjoying their rest. As an instance of

THE BITTER PREJUDICE AGAINST THE CHINAMEN which then existed it is worth while, perhaps, to refer to the proceedings of an immense political mass meeting which was held in the open air in Belleville the month after the advent of the Flowery-landers at the laundry. It was a democratic gathering. There were torches, bands, fireworks, a procession, and, of course, the usual display of stump demagoguery. One of the speakers made willent attack on the introduction of the Chinese, who, he claimed, in the presence of the Meral of the speakers and the means of making millionnaires of the bosses, but who would surely crowd out every hard-fisted laborer of foreign birth who had a vote. He tried to rouse his rough and ready audience to such a pitch that, had is been of the same weak mental calibre as was the speaker, poor Hervey's laundry might have been razed to the ground and the Celestials massacred or put to flight. While some few excitable persons swallowed all the speaker said, the majority, fortunately, kept cool and said. "Hould on a bit. Wait till we see for oursels." Public opinion proclaimed sensibly that John should have fair play and a fair trial, as well as any other foreigner. And so John has had a pretty fair, full and ample trial, but with no soon results, of course, as those predicted by the demagogues of the stump three years ago. Evidence is beginning just now to accumulate tending strongly to prove that, all things taken into consideration, Ah Sin in real life is the same Ah Sin whose smile was so very beautifully described to be "child-like and bland." To come plump to the point, it is getting to be a settled concusion, based on experience and close observation, that

John Chinaman is A faiture, at least so far as his inilliling satisfactorily the expectations and fond hopes of his admirers a few years ago. A visit recently made to the laundry opposite Belleville by a Heraald representative, together with other facts and data, fully bears out this view. The managers spoke freely on the subject of their experience with the Chinamen during the last three years. They had in the beginning 173 of the pigtailed gentry in their employ. This figu mass meeting which was held in the open air in Belleville the month after the advent of the Flow-

representative said, to make it as pleasant as possible for the new laborers, and to make them feel as comfortable as they could desire, but it was the old story of "love's labor lost." While there were a few good, square-dealing Chinamen in each of the batches they had had, the majority had developed into lazy, good-for-nothing fellows, entire strangers to personal honor even towards one another, totally unscrupulous and utter unreliable. They were apt to learn, but soon learned how to make haste slowly and to sbirk work every possible opportunity.

make haste slowly and to spirk work every possible opportunity.

They entered into with the laundryman was to run three years. They were to receive \$23 per month the first year and \$23 the second and third years, all in gold, besilies lodging, wood and water. They were to find themselves in food. This contract they broke without any heastnion. One batch had been working but a few days when they struck for more wages. John, it appears, being a Celestia and considering himself a superior order of being to us of the Caucasian race, considers no contract with us binding. He had been but a short time in the laundry when he found out that he was no si.ve, serf or apprentice. "Me bossee meselt," said one of them; "Melican man no good; he no Josh—barbarian." He soon developed, too, the vices of his own land as well as this—snoking optim, drinking and visiting low Chinose dens of debauchery in the metropolis, and consolidation of the property of the world of the country wood the variety of the world policy of them and prompt to squelch them, ere they had even blossomed in their iniquitous traffic. Gambling, too, has been one of John's besetting sins at Belleville, just as on the Pacific coast, as Brother Nye would be slow to deny, said it has required great watching and scrutiny to prevent them even in the laundry, not only alter but during working hours from induging in both opium consuming and gambling. The great difficulty was the inability of any person or persons to properly and completely control them, short of continually using force.

\*\*Analysis\* of the world of the world his rich who, the laundry men say, has behaved like a man from beginning to end. He had his men under control for a while at first, but soon they refused to acknowledge him as having any authority over them. Charlie has continued with Captain heing at the loss of the cost of transporting the Choise in his property and completely control them,

sixty newly arrived Germans, out mad little better experience with them. As soon as they learned the business they wanted more wages and struck. As business was dull they were not pressed to stay; but the Captain has not given up the German idea. He has but recently returned from a nine weeks' trip to the Faderiand, accompanied by Mr. John Otto, of Newark, as interpreter. The Captain's representative said that his trip was only one of observation, to see what could be done with the German peasantry, and that nothing positive had yet been determined in the matter. Meanwhite there are 130 Chinamen in his place and half as many girls or so. Peace reigns in Belleville.

#### WATERING PLACE NOTES.

Burglars, thieves, pickpockets, gamblers, shysters, genteel loafers and all the confrateralty that live by their wits are preparing for the grand Summer exodus, and will drop down at all the fashion-

able watering places. Look out for them. General Francis P. Blair, Jr., is recuperating very fast at Cli ton Springs, N. Y. His father, Francis P. Blair, Sr., and aged mother visited him last

Plainfield, N. J., is desirous of being considered a Summer resort. It is easy of access and is certainly a very pretty place. There is a hotel at High Bridge, on the Harles

River, which is very pleasantly located.

In some localities ladies will wear low shoes with white stockings spotted with red, in order that mosquito bites shall not show.

The Methodist Sunday afternoon meetings is Truro Park, Newport, commenced on Sunday last. A band has been engaged to assist in the exercises, which some of the citizens object to.

A large number of fashionable Philadelphians who have heretofore made Cape May their Summer resort, will this season visit Long Branch. The story about the closing up of the windows of the hotels at Niagara Falls that look upon the cataract, in order that visitors may be forced to over on Goat Island to view the falls, is not true. Oceanic, on Shrewsbury River, in New Jersey.

foreign lands will find Oceanic the place for please Far Rockaway must not be forgotten. It is situ. ated

offers rare advantages for boating, fishing, bathing

and driving. All those who contemplate visiting

On old Long Island's sea-girt shore, and for sea breeze and surf bathing cannot be sus passed. The hotels and private boarding houses around

Big and Little Peconic bays, Long Island, anticipate a lively season.

Yonkers, on the Hudson, will receive a goodie share of Summer boarders.

Sharon Springs is getting into favor, and, it is said, will this season enjoy a full share of Summer sojourners. The exorbitant prices for board have not yet reached this locality. The Overlook Mountain House, in the Catskills,

Summer months. For cool nights and pleasant days the locality is unsurpassed. The Red Sulphur, the Healing, the Buffolo, the Alum and the Warm Springs of Virginia will all be well patronized this season by Southerners.

is entirely shut out from the extreme heat of the

Business men, whose duties require their datis presence in the city, will find Staten Island a very pleasant sleeping place. There are hotel accommodations at New Dorp which will be found agree-

Commodore Vanderbilt has rooms engaged at Congress Hall, Saratoga.

#### THE CUBAN STRUGGLE.

The Republic of Costa Rica Declares for "Cuba Libre"-Official Communic eation on the Subject to the Colombian Government-The Apathy of the Cabinet at Washington to the Cubas Struggle for Freedom. The readers of the HERALD will doubtless remem-

ber that on the 26th of September, 1872, the United States of Colombia, by the hands of its Secretary of State, Jil Colonje, sent out a circular letter to the various Republics of South America, request ing, in the most powerful language, their co-operation in the matter of bringing about the independence of Cuba, and its consequent riddance from the tyrannical rule of Spain. At this period it is not necessary to recall the language used in said letter further than to give the following quotation, taken from the Presidential address of General Grant, under date of December, 1869, which is as follows:-"The people of the United States sympathize with all oppressed people struggling for liberty and independence." The letter of the Colombian government has produced a most encouraging result for the struggling Cubans, and it is believed that ere long a conference of the diplomatic representatives of the various South American governments will be held at Washington, when steps will be taken t wards bringing about the autonomy of the "Ever faithful Isle of Cuba."

COSTA BICA FALLS INTO LINE. The Republic of Costa Rica, after noting the eathusiastic manner in which her various sister Re-publics of South America have received the Co-

The Republic of Costa Rica, after noting the eathusiastic manner in which her various sister Republics of South America have received the Colombian proposition, has now failen into line, and joined in the brotherly reunion, as the following official reply from the Secretary of State, Lorenze Montufar, clearly shows:—

Department of the Secretary of State, Lorenze Montufar, clearly shows:—

Department of Josta Rica, April 22, 1873, Excellent of your valued communication of the 5th inst., alleding to the following communication of the 5th inst., alleding to the following communication of the 5th inst., alleding to the following communication in the side per man and government, asking for co-operation in the matter of bringing about the independence and autonomy of Unia from the nauds of Spain. The remarks made in the communication in question have been duly weighed by the government of Costa Rica, and they cannot but admire the ideas of the Colombian government in this matter of department of Costa Rica, and they cannot but admire the ideas of the Colombian government in this matter of the communication in question this government milly recognizes the advanced and philanthropic views of your government.

Before replying at length to the views enunciated the following and the object of the side of the colombian government would state that as far back as October 21, 150, It sent out circulars of its own to the governments of Nicarygna, San Sairadoc and Honduras, in which was enunciated the following propositions:—The cause of Coba s identical with that of all the Latin race in America, and its rights are as sacred as our own." 'Its victories are as glorious to master with the comment of San Martin.

The Colombian government propose that all the government of San Martin.

The Colombian government propose that all the government of the miles of the English of the individual of the colombian decided in this Continent by Bolivae, Lucra and San Martin.

The Great Republic, whose sheres are almost in sight of the individ

Resident Minister of the United States of Colombia, Jose.

THE LITTORAL OF THE CARIEBRAN SEA.
Costa Rica possesses Port Linco, in the Caribbeau Sea, which can now be used for "iberating expeditions and other objects by the patriot Cubans, and the whole littoral of the Caribbeau, from Yucatan, in Mexico, down to Venezuela, now has porta open to ships and expeditions employed on behalf of Cuba Libre.

CENTRAL PARK METEOROLOGICAL DEPART-

Abstract of Report for the Week Knding at 1 P. M., June 91, 1873.

Barometer—Mean, 29,864 inches; maximum at nine A. M., June 18, 29,950; minimum at nour A. M., June 20, 29,572; range, 306.

Thermometer—Mean, 80.3 degrees; maximum at new P. M. June 19, 92; minimum at four A. M., June 18, 82; range 30.

18, 62; range, 30.

Remarks—No rain this week.

Distance travelled by the wind during the we
1,100 miles.